

#20061301

City: MadisonCounty: Jefferson

INDIANA

We the undersigned common construction wage committee, appointed pursuant to  
Indiana Code 5-16-7, as amended in 1995, do hereby fix and determine the following  
common construction wage scales to apply on the: 2006 Resurfacing Project

Project Known as the: 2006 Resurfacing Project

The common construction wage rates listed below are for: Heavy &amp; Highway

<u>Classification</u>	<u>Class</u>	<u>Hourly Rate</u>	<u>Other Hourly Compensation</u>	<u>Total Hourly Wage Rate</u>
Asbestos Workers				
Journeyman	Skilled	\$ 22.33	\$ 9.49	\$ 31.82
4th Year Apprentice	Semi Skilled	\$ 15.00	\$ 5.84	\$ 20.84
3rd Year Apprentice	Semi Skilled	\$ 13.75	\$ 5.84	\$ 19.59
2nd Year Apprentice	Semi Skilled	\$ 12.50	\$ 5.84	\$ 18.34
1st Year Apprentice	Un Skilled	\$ 10.50	\$ 5.84	\$ 16.34
*Asbestos Abatement				
	Skilled	\$ 22.33	\$ 9.49	\$ 31.82
	Un Skilled	\$ 20.77	\$ 8.21	\$ 28.98
	<i>semi skilled</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
Boilermakers				
Journeyman	Skilled	\$ 30.00	\$ 16.25	\$ 46.25
4th Year Apprentice	Semi Skilled	\$ 27.00	\$ 16.25	\$ 43.25
3rd Year Apprentice	Semi Skilled	\$ 24.00	\$ 16.25	\$ 40.25
2nd Year Apprentice	Semi Skilled	\$ 22.50	\$ 16.25	\$ 38.75
1st Year Apprentice	Un Skilled	\$ 21.00	\$ 16.25	\$ 37.25
Bricklayers				
Journeyman	Skilled	\$ 25.51	\$ 8.10	\$ 33.61
4th Year Apprentice	Semi Skilled	\$ 20.41	\$ 8.10	\$ 28.51
3rd Year Apprentice	Semi Skilled	\$ 17.86	\$ 8.10	\$ 25.96
2nd Year Apprentice	Semi Skilled	\$ 15.31	\$ 8.10	\$ 23.41
1st Year Apprentice	Un Skilled	\$ 12.76	\$ 8.10	\$ 20.86
Carpenters				
Journeyman	Skilled	\$ 21.37	\$ 11.10	\$ 32.47
4th Year Apprentice	Semi Skilled	\$ 19.23	\$ 11.10	\$ 30.33
3rd Year Apprentice	Semi Skilled	\$ 17.10	\$ 11.10	\$ 28.20
2nd Year Apprentice	Semi Skilled	\$ 14.96	\$ 11.10	\$ 26.06
1st Year Apprentice	Un Skilled	\$ 12.82	\$ 11.10	\$ 23.92
Cement Masons				
Journeyman	Skilled	\$ 20.88	\$ 8.32	\$ 29.20
4th Year Apprentice	Semi Skilled	\$ 18.79	\$ 8.32	\$ 27.11
3rd Year Apprentice	Semi Skilled	\$ 16.70	\$ 8.32	\$ 25.02
2nd Year Apprentice	Semi Skilled	\$ 14.62	\$ 8.32	\$ 22.94
1st Year Apprentice	Un Skilled	\$ 12.53	\$ 8.32	\$ 20.85
Drywall Finishers				
Journeyman	Skilled	\$ 17.37	\$ 8.15	\$ 25.52
4th Year Apprentice	Semi Skilled	\$ 15.63	\$ 8.15	\$ 23.78
3rd Year Apprentice	Semi Skilled	\$ 13.90	\$ 8.15	\$ 22.05
2nd Year Apprentice	Semi Skilled	\$ 10.42	\$ 8.15	\$ 18.57
1st Year Apprentice	Un Skilled	\$ 6.95	\$ 8.15	\$ 15.10
Drywall Installers				
Journeyman	Skilled	\$ 21.37	\$ 11.10	\$ 32.47
4th Year Apprentice	Semi Skilled	\$ 19.23	\$ 11.10	\$ 30.33
3rd Year Apprentice	Semi Skilled	\$ 17.10	\$ 11.10	\$ 28.20
2nd Year Apprentice	Semi Skilled	\$ 14.96	\$ 11.10	\$ 26.06
1st Year Apprentice	Un Skilled	\$ 12.82	\$ 11.10	\$ 23.92

Electricians						
Journeyman	Skilled	\$	25.75	\$	9.92	\$ 35.67
5th Year Apprentice	Semi Skilled	\$	16.74	\$	8.08	\$ 24.82
4th Year Apprentice	Semi Skilled	\$	15.45	\$	7.82	\$ 23.27
3rd Year Apprentice	Semi Skilled	\$	14.16	\$	7.54	\$ 21.70
2nd Year Apprentice	Semi Skilled	\$	12.88	\$	5.36	\$ 18.24
1st Year Apprentice	Un Skilled	\$	11.59	\$	5.29	\$ 16.88
Elevator Constructors						
	Skilled	\$	36.03	\$	13.37	\$ 49.40
	Semi Skilled	\$	20.82	\$	13.37	\$ 34.19
	Un Skilled	\$	17.61	\$	13.37	\$ 30.98
Glaziers						
Journeyman	Skilled	\$	22.49	\$	7.96	\$ 30.45
4th Year Apprentice	Semi Skilled	\$	17.99	\$	7.96	\$ 25.95
3rd Year Apprentice	Semi Skilled	\$	15.74	\$	7.96	\$ 23.70
2nd Year Apprentice	Semi Skilled	\$	13.49	\$	7.96	\$ 21.45
1st Year Apprentice	Un Skilled	\$	11.25	\$	7.96	\$ 19.21
Hod Carrier						
	Skilled	\$	17.70	\$	8.21	\$ 25.91
	Semi Skilled	N/A		N/A		N/A
	Un Skilled	N/A		N/A		N/A
Iron Workers						
Journeyman	Skilled	\$	23.68	\$	13.59	\$ 37.27
4th Year Apprentice	Semi Skilled	\$	21.31	\$	13.59	\$ 34.90
3rd Year Apprentice	Semi Skilled	\$	18.94	\$	13.59	\$ 32.53
2nd Year Apprentice	Semi Skilled	\$	16.58	\$	13.59	\$ 30.17
1st Year Apprentice	Un Skilled	\$	14.21	\$	13.59	\$ 27.80
Laborers						
	Skilled	\$	20.77	\$	8.21	\$ 28.98
	Semi Skilled	\$	20.27	\$	8.21	\$ 28.48
	Un Skilled	\$	19.77	\$	8.21	\$ 27.98
Millwrights						
Journeyman	Skilled	\$	23.10	\$	11.49	\$ 34.59
4th Year Apprentice	Semi Skilled	\$	20.79	\$	11.49	\$ 32.28
3rd Year Apprentice	Semi Skilled	\$	18.48	\$	11.49	\$ 29.97
2nd Year Apprentice	Semi Skilled	\$	16.17	\$	11.49	\$ 27.66
1st Year Apprentice	Un Skilled	\$	13.86	\$	11.49	\$ 25.35
Operating Engineers Class A and B						
Journeyman	Skilled	\$	24.68	\$	10.95	\$ 35.63
4th Year Apprentice	Semi Skilled	\$	22.21	\$	10.95	\$ 33.16
3rd Year Apprentice	Semi Skilled	\$	19.74	\$	10.95	\$ 30.69
2nd Year Apprentice	Semi Skilled	\$	17.28	\$	10.95	\$ 28.23
1st Year Apprentice	Un Skilled	\$	16.04	\$	10.95	\$ 26.99
Painters/Brush/Roll						
Journeyman	Skilled	\$	17.37	\$	8.15	\$ 25.52
4th Year Apprentice	Semi Skilled	\$	15.63	\$	8.15	\$ 23.78
3rd Year Apprentice	Semi Skilled	\$	13.90	\$	8.15	\$ 22.05
2nd Year Apprentice	Semi Skilled	\$	10.42	\$	8.15	\$ 18.57
1st Year Apprentice	Un Skilled	\$	6.95	\$	8.15	\$ 15.10
Painters/Spray/Sandblast						
Journeyman	Skilled	\$	17.37	\$	8.15	\$ 25.52
4th Year Apprentice	Semi Skilled	\$	15.63	\$	8.15	\$ 23.78
3rd Year Apprentice	Semi Skilled	\$	13.90	\$	8.15	\$ 22.05
2nd Year Apprentice	Semi Skilled	\$	10.42	\$	8.15	\$ 18.57
1st Year Apprentice	Un Skilled	\$	6.95	\$	8.15	\$ 15.10
Pipefitters & Steamfitters						
Journeyman	Skilled	\$	26.81	\$	10.92	\$ 37.73
5th Year Apprentice	Semi Skilled	\$	22.79	\$	10.92	\$ 33.71
4th Year Apprentice	Semi Skilled	\$	21.45	\$	10.92	\$ 32.37
3rd Year Apprentice	Semi Skilled	\$	18.77	\$	10.92	\$ 29.69
2nd Year Apprentice	Semi Skilled	\$	16.09	\$	10.92	\$ 27.01
1st Year Apprentice	Un Skilled	\$	13.41	\$	10.92	\$ 24.33

Plasters		Skilled	\$	20.88	\$	8.32	\$	29.20
		Semi Skilled	\$	14.62	\$	8.32	\$	22.94
		Un Skilled	\$	12.53	\$	8.32	\$	20.85
Plumbers								
Journeyman	Skilled	\$	26.81	\$	10.92		\$	37.73
5th Year Apprentice	Semi Skilled	\$	18.90	\$	10.92		\$	29.82
4th Year Apprentice	Semi Skilled	\$	21.45		10.92		\$	32.37
3rd Year Apprentice	Semi Skilled	\$	18.77		10.92		\$	29.69
2nd Year Apprentice	Semi Skilled	\$	16.09		10.92		\$	27.01
1st Year Apprentice	Un Skilled	\$	13.41		10.92		\$	24.33
Pointer/Caulker/Cleaner								
Journeyman	Skilled	\$	25.51	\$	8.10		\$	33.61
4th Year Apprentice	Semi Skilled	\$	20.41	\$	8.10		\$	28.51
3rd Year Apprentice	Semi Skilled	\$	17.86	\$	8.10		\$	25.96
2nd Year Apprentice	Semi Skilled	\$	15.31	\$	8.10		\$	23.41
1st Year Apprentice	Un Skilled	\$	12.76	\$	8.10		\$	20.86
Roofers								
Journeyman	Skilled	\$	18.90	\$	6.79		\$	25.69
4th Year Apprentice	Semi Skilled	\$	17.99	\$	6.63		\$	24.62
3rd Year Apprentice	Semi Skilled	\$	16.10	\$	6.25		\$	22.34
2nd Year Apprentice	Semi Skilled	\$	14.20	\$	6.19		\$	20.39
1st Year Apprentice	Un Skilled	\$	11.36	\$	5.57		\$	16.93
Sheet Metal Workers								
Journeyman	Skilled	\$	28.40	\$	11.85		\$	40.25
5th Year Apprentice	Semi Skilled	\$	25.74	\$	11.17		\$	36.92
4th Year Apprentice	Semi Skilled	\$	23.07	\$	10.49		\$	33.56
3rd Year Apprentice	Semi Skilled	\$	20.50	\$	9.80		\$	30.30
2nd Year Apprentice	Semi Skilled	\$	17.75	\$	9.12		\$	26.87
1st Year Apprentice	Un Skilled	\$	15.07	\$	8.43		\$	23.49
Sound and Communication								
Journeyman	Skilled	\$	25.75	\$	9.92		\$	35.67
5th Year Apprentice	Semi Skilled	\$	16.74	\$	8.08		\$	24.82
4th Year Apprentice	Semi Skilled	\$	15.45	\$	7.82		\$	23.27
3rd Year Apprentice	Semi Skilled	\$	14.16	\$	7.54		\$	21.70
2nd Year Apprentice	Semi Skilled	\$	12.88	\$	5.36		\$	18.24
1st Year Apprentice	Un Skilled	\$	11.59	\$	5.29		\$	16.88
Sprinkler Fitters								
Journeyman	Skilled	\$	29.19	\$	10.50		\$	39.69
5th Year Apprentice	Semi Skilled	\$	24.81	\$	10.50		\$	35.31
4th Year Apprentice	Semi Skilled	\$	21.89	\$	10.50		\$	32.39
3rd Year Apprentice	Semi Skilled	\$	18.97	\$	10.50		\$	29.47
2nd Year Apprentice	Semi Skilled	\$	16.05	\$	10.50		\$	26.55
1st Year Apprentice	Un Skilled	\$	14.60	\$	10.50		\$	25.10
Stone Masons								
Journeyman	Skilled	\$	24.80	\$	9.62		\$	34.42
4th Year Apprentice	Semi Skilled	\$	19.84	\$	9.62		\$	29.46
3rd Year Apprentice	Semi Skilled	\$	17.36	\$	9.62		\$	26.98
2nd Year Apprentice	Semi Skilled	\$	14.88	\$	9.62		\$	24.50
1st Year Apprentice	Un Skilled	\$	12.40	\$	9.62		\$	22.02
Teamsters								
	Skilled	\$	17.95	\$	5.64		\$	23.59
	Semi Skilled	N/A		N/A			N/A	
	Un Skilled	N/A		N/A			N/A	
Technical Engineer								
	Skilled	\$	20.77	\$	8.21		\$	28.98
	Semi Skilled	N/A		N/A			N/A	
	Un Skilled	N/A		N/A			N/A	

Tile, Marble Setters						\$ -
Journeyman	Skilled	\$	27.27	\$	7.22	\$ 34.49
4th Year Apprentice	Semi Skilled	\$	21.82	\$	7.22	\$ 29.04
3rd Year Apprentice	Semi Skilled	\$	19.09	\$	7.22	\$ 26.31
2nd Year Apprentice	Semi Skilled	\$	16.36	\$	7.22	\$ 23.58
1st Year Apprentice	Un Skilled	\$	13.64	\$	7.22	\$ 20.86
Terrazzo Workers						
Journeyman	Skilled	\$	18.82	\$	4.20	\$ 23.02
4th Year Apprentice	Semi Skilled	\$	15.06	\$	4.20	\$ 19.26
3rd Year Apprentice	Semi Skilled	\$	13.17	\$	4.20	\$ 17.37
2nd Year Apprentice	Semi Skilled	\$	11.29	\$	4.20	\$ 15.49
1st Year Apprentice	Un Skilled	\$	9.41	\$	4.20	\$ 13.61
Tile, Marble, Terrazzo Finishers						
Journeyman	Skilled	\$	20.70	\$	4.20	\$ 24.90
4th Year Apprentice	Semi Skilled	\$	16.56	\$	4.20	\$ 20.76
3rd Year Apprentice	Semi Skilled	\$	14.49	\$	4.20	\$ 18.69
2nd Year Apprentice	Semi Skilled	\$	12.42	\$	4.20	\$ 16.62
1st Year Apprentice	Un Skilled	\$	10.35	\$	4.20	\$ 14.55
Truck Driver Mechanic						
	Skilled	\$	17.95	\$	5.64	
	Semi Skilled	N/A		N/A		\$ 23.59
	Un Skilled	N/A		N/A		N/A
						N/A

The wage rates under the column "Total Hourly Wages Rate" as set forth by the committee are the minimum wage rates to be paid and shall not prevent a contractor from paying a higher wage rate.

### **C. CLASSES OF OCCUPATIONS/TRADES**

It is in the committee's determination that semi-skilled and unskilled workers within the county are apprentices who are individually registered in a bona fide apprenticeship program as certified by the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training.

With the exceptions of laborers, the wage determinations for the classes of semi-skilled and unskilled workers within the skilled trades represent the apprentice's progress in the apprentice program for that skilled classification in this wage scale as provided in the relevant apprentice program standards.

Where the committee has marked "N/A" under the classes of semiskilled and unskilled, it is the committee's determination that the common practice in the county is not to use a semi-skilled or unskilled designation with regard to that classification.

### **D. APPRENTICES**

Apprentices are individuals employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training.

With the exception of laborers, the utilization of workers in the classes of semi skilled and unskilled, who have not been properly registered as apprentices within the meaning of the Bureau of Apprenticeship and Training regulations and the contract stipulations, is contrary to this wage scale. Such unindentured workers shall be entitled to receive compensation at the skilled rate for that classification.

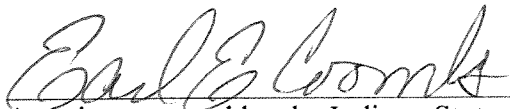
### **E. COMMON CONSTRUCTION WAGE AS A CONDITION OF THE CONTRACT**

As required by Indiana Code 5-16-7-1(h), it shall be a condition of a contract awarded for the above cited project that the successful bidder and all subcontractors shall comply strictly with the determination made by this common construction wage committee.

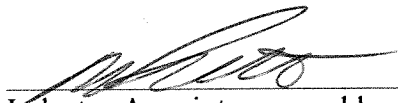
### **F. VERIFICATION OF THE CONTRACTOR'S SCHEDULE OF WAGES**

As required by Indiana Code 5-16-7-2, before any contractor or subcontractor performs any work on the above cited project, each contractor and/or subcontractor must file (with the above cited awarding agency) a schedule of the wages showing the wages that it intends to pay to workers on the project.

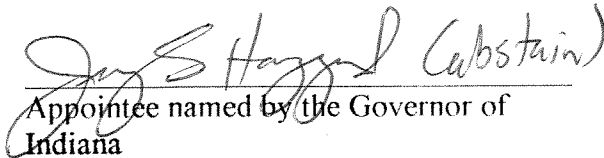
G. SIGNATURES OF APPOINTEES



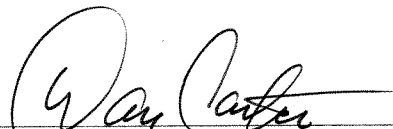
Appointee named by the Indiana State  
AFL-CIO



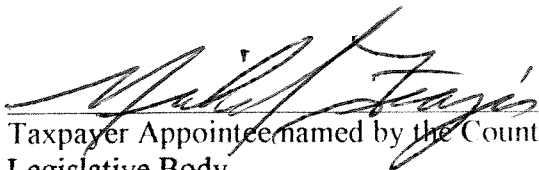
Industry Appointee named by Awarding  
Agency



Appointee named by the Governor of  
Indiana



Taxpayer Appointee named by the  
Awarding Agency



Taxpayer Appointee named by the County  
Legislative Body

5-26-04

Date

FILLENWARTH DENNERLINE GROTH & TOWE

ATTORNEYS AT LAW

1213 N. ARLINGTON AVENUE, SUITE 204  
INDIANAPOLIS, INDIANA 46219  
(317) 353-9363  
FAX (317) 351-7232

EDWARD J. FILLENWARTH  
(1910-1996)

OF COUNSEL  
EDWARD J. FILLENWARTH, JR.

FREDERICK W. DENNERLINE III  
WILLIAM R. GROTH  
FRED O. TOWE  
NEIL E. GATH\*  
GEOFFREY S. LOHMAN

\*ALSO ADMITTED IN OHIO

E-Mail: [ngath@fdgtlaborlaw.com](mailto:ngath@fdgtlaborlaw.com)

Writer's Direct Dial Number: (317) 351-7237

May 10, 2006

MEMORANDUM

TO: Indiana AFL-CIO Wage Setters

FROM: Neil E. Gath, Esq.

RE: Indiana Department of Labor Letter Dated May 3, 2006

On May 3, 2006, the Commissioner of Labor, Miguel R. Rivera, sent a letter regarding the Indiana Common Construction Wage Act ("CCWA") to various government officials. The Commissioner has asserted that the apprenticeship language in wage scales, which has been successfully used by wage committees for over twenty (20) years, is now suddenly unlawful. He further claimed the Department can arbitrarily nullify a wage scale, which is promulgated by a lawfully constituted wage scale committee, absent any essential due process such as notice or hearing. The Indiana State Building and Construction Trades ("ISBTC") strongly disagrees with these erroneous assertions.

For over twenty (20) years, Indiana wage scale committees have included apprenticeship language, when appropriate, as a means of classifying semi-skilled or unskilled workers in a county. This apprenticeship language has been adopted by both Republican and Democratic Commissioners of Labor. At least seven (7) former Commissioners of Labor, both Republicans and Democrats, have all found that apprenticeship provisions may be included in a wage scale. Miguel R. Rivera is the only Commissioner who has ever deemed this apprentice language to be improper.

Commissioner Rivera cannot cite any recent case law or legislative enactment which mandates a change in this long standing practice of including apprenticeship language in wage scales. To support this radical change, the Commissioner has cited an eight (8) year old case, *Union Township School Corporation v. State of Indiana*,

706 N.E.2d 183 (Ind. App. 1998). However, nothing in the *Union Township* decision dealt with apprenticeship language in wage scales. Indeed, the *Union Township* decision does not even have the words "apprentice" or "apprenticeship" in its text.

The relevant statute, I.C. 5-16-7-1(c), does not bar a wage committee from including such apprenticeship provisions in a wage scale. Under the CCWA, the Committee has the authority to promulgate a wage that reflects the common classifications and wage rates used in that jurisdiction. The Department of Labor concedes that a wage committee can lawfully decide that certain classifications, such as a semi-skilled truck driver and unskilled asbestos workers, do not exist in that area. A committee's finding that semi-skilled and unskilled workers are commonly employed in apprenticeship programs, and paid pursuant to the apprentice program standards, is consistent with classification procedure.

It is undisputed that the existing practice in the 1980's and 1990's was to utilize apprentice language in the wage determinations. It is also uncontroverted that the General Assembly took no action in 1995 to prohibit this practice. It should be assumed that the General Assembly adopted the existing wage setting practices in 1995 by not modifying the relevant portions of I.C. 5-16-7-1. Consequently, it is apparent that the General Assembly has never shared the Commissioner's belief that the apprentice language violates the CCWA.

Similarly, the Commissioner cannot cite any legal authority which allows him to nullify a wage scale. The Indiana State Building and Construction Trades Council acknowledges that the Commissioner has the power, under *Union Township School Corporation*, to file a lawsuit asserting that the wage committee's decision is contrary to law. However, no Indiana statute vests the Commissioner with the authority to unilaterally nullify a wage scale. Such a nullification represents an administrative adjudication that is clearly beyond the Commissioner's power under the CCWA. In fact, the Indiana Common Construction Wage Act does not allow the Commissioner to make any binding adjudications in common wage matters, but instead defers those compliance disputes to the Courts. Therefore, the Commissioner claims broad executive powers which are not supported by either the statute or case law.

In conclusion, the Indiana State Building and Construction Trades Council asserts that the AFL-CIO wage scale fully complies with the CCWA and urges the wage committee to adopt this scale.

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